

**Senate Study Bill 3114 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act providing for the licensing of polysomnographic  
2 technologists and providing for a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, physician assistant, psychologist, chiropractor,  
6 nurse, dentist, dental hygienist, dental assistant,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, physical therapist assistant, occupational  
9 therapist, occupational therapy assistant, respiratory care  
10 practitioner, practitioner of cosmetology arts and sciences,  
11 practitioner of barbering, funeral director, dietitian, marital  
12 and family therapist, mental health counselor, polysomnographic  
13 technologist, social worker, massage therapist, athletic  
14 trainer, acupuncturist, nursing home administrator, hearing aid  
15 dispenser, or sign language interpreter or transliterator means  
16 a person licensed under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,  
18 osteopathic medicine and surgery, practice as a physician  
19 assistant, psychology, chiropractic, nursing, dentistry,  
20 dental hygiene, dental assisting, optometry, speech pathology,  
21 audiology, pharmacy, physical therapy, physical therapist  
22 assisting, occupational therapy, occupational therapy  
23 assisting, respiratory care, cosmetology arts and sciences,  
24 barbering, mortuary science, marital and family therapy, mental  
25 health counseling, polysomnography, social work, dietetics,  
26 massage therapy, athletic training, acupuncture, nursing home  
27 administration, hearing aid dispensing, or sign language  
28 interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. A person shall not engage in the practice of medicine  
32 and surgery, podiatry, osteopathic medicine and surgery,  
33 psychology, chiropractic, physical therapy, physical therapist  
34 assisting, nursing, dentistry, dental hygiene, dental  
35 assisting, optometry, speech pathology, audiology, occupational

1 therapy, occupational therapy assisting, respiratory care,  
2 pharmacy, cosmetology arts and sciences, barbering, social  
3 work, dietetics, marital and family therapy or mental health  
4 counseling, massage therapy, mortuary science, polysomnography,  
5 athletic training, acupuncture, nursing home administration,  
6 hearing aid dispensing, or sign language interpreting  
7 or transliterating, or shall not practice as a physician  
8 assistant, unless the person has obtained a license for that  
9 purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. For medicine and surgery, osteopathic medicine and  
13 surgery, ~~and~~ acupuncture, and polysomnography, the board of  
14 medicine.

15 Sec. 4. Section 147.74, Code 2011, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 22A. A person who is licensed to engage  
18 in the practice of polysomnography shall have the right to use  
19 the title "polysomnographic technologist" or the abbreviation  
20 "P.S.G.T.".

21 Sec. 5. NEW SECTION. 148F.1 **Definitions.**

22 As used in this chapter, unless the context otherwise  
23 requires:

24 1. "*Board*" means the board of medicine established in  
25 chapter 147.

26 2. "*Committee*" means the polysomnography professional  
27 standards committee established in section 148F.5.

28 3. "*Direct supervision*" means that the polysomnographic  
29 technologist providing supervision must be present in the  
30 area where the polysomnographic procedure is being performed  
31 and immediately available to furnish assistance and direction  
32 throughout the performance of the procedure.

33 4. "*General supervision*" means that the polysomnographic  
34 procedure is provided under a physician's overall direction and  
35 control, but the physician's presence is not required during

1 the performance of the procedure.

2 5. "*Physician*" means a person who is currently licensed in  
3 Iowa to practice medicine and surgery or osteopathic medicine  
4 and surgery.

5 6. "*Polysomnographic student*" means a person who is enrolled  
6 in a commission on accreditation of allied health education  
7 program or an equivalent program as determined by the board,  
8 and who may provide sleep-related services under the direct  
9 supervision of a polysomnographic technologist as a part of the  
10 person's educational program.

11 7. "*Polysomnographic technician*" means a person who has  
12 graduated from a commission on accreditation of allied health  
13 education program or an equivalent program as determined by the  
14 board but has not yet passed an accepted national credentialing  
15 examination given by an approved certifying agency, who has  
16 obtained a temporary permit from the board, and who may provide  
17 sleep-related services under the general supervision of a  
18 licensed physician.

19 8. "*Polysomnographic technologist*" means a person who is  
20 credentialed by an approved certifying agency and is licensed  
21 by the board to engage in the practice of polysomnography under  
22 the general supervision of a physician.

23 9. "*Polysomnographic trainee*" means a person who is enrolled  
24 in an accredited sleep technologist educational program that is  
25 accredited by the American academy of sleep medicine and who  
26 may provide sleep-related services under the direct supervision  
27 of a polysomnographic technologist as a part of the person's  
28 educational program.

29 10. "*Practice of polysomnography*" means as described in  
30 section 148F.2.

31 11. "*Sleep-related services*" means acts performed by  
32 polysomnographic technicians, polysomnographic trainees,  
33 polysomnographic students, and other persons permitted to  
34 perform those services under this chapter, in a setting  
35 described in this chapter that would be considered the

1 practice of polysomnography if performed by a polysomnographic  
2 technologist.

3 Sec. 6. NEW SECTION. 148F.2 Practice of polysomnography.

4 The practice of polysomnography consists of the following  
5 tasks, under the general supervision of a licensed physician:

6 1. Monitoring, recording, and evaluating physiologic data  
7 during the evaluation of sleep-related disorders, including  
8 sleep-related respiratory disturbances, by applying any of the  
9 following techniques, equipment, or procedures:

10 a. Noninvasive continuous, bilevel positive airway pressure,  
11 or adaptive servo-ventilation titration on spontaneously  
12 breathing patients using a mask or oral appliance; provided,  
13 that the mask or oral appliance does not extend into the  
14 trachea or attach to an artificial airway.

15 b. Supplemental low-flow oxygen therapy of less than six  
16 liters per minute, utilizing a nasal cannula or incorporated  
17 into a positive airway pressure device during a polysomnogram.

18 c. Capnography during a polysomnogram.

19 d. Cardiopulmonary resuscitation.

20 e. Pulse oximetry.

21 f. Gastroesophageal pH monitoring.

22 g. Esophageal pressure monitoring.

23 h. Sleep stage recording using surface  
24 electroencephalography, surface electrooculography, and surface  
25 submental electromyography.

26 i. Surface electromyography.

27 j. Electrocardiography.

28 k. Respiratory effort monitoring, including thoracic and  
29 abdominal movement.

30 l. Plethysmography blood flow monitoring.

31 m. Snore monitoring.

32 n. Audio and video monitoring.

33 o. Body movement monitoring.

34 p. Nocturnal penile tumescence monitoring.

35 q. Nasal and oral airflow monitoring.

1 r. Body temperature monitoring.

2 2. Monitoring the effects that a mask or oral appliance  
3 used to treat sleep disorders has on sleep patterns; provided,  
4 however, that the mask or oral appliance shall not extend into  
5 the trachea or attach to an artificial airway.

6 3. Observing and monitoring physical signs and symptoms,  
7 general behavior, and general physical response to  
8 polysomnographic evaluation and determining whether initiation,  
9 modification, or discontinuation of a treatment regimen is  
10 warranted.

11 4. Analyzing and scoring data collected during the  
12 monitoring described in this section for the purpose of  
13 assisting a physician in the diagnosis and treatment of sleep  
14 and wake disorders that result from developmental defects,  
15 the aging process, physical injury, disease, or actual or  
16 anticipated somatic dysfunction.

17 5. Implementation of a written or verbal order from a  
18 licensed physician to perform polysomnography.

19 6. Education of a patient regarding the treatment regimen  
20 that assists the patient in improving the patient's sleep.

21 7. Use of any oral appliance used to treat sleep-disordered  
22 breathing while under the care of a licensed polysomnographic  
23 technologist during the performance of a sleep study, as  
24 directed by a licensed dentist.

25 Sec. 7. NEW SECTION. 148F.3 Location of services.

26 The practice of polysomnography shall take place only in a  
27 hospital, a stand-alone sleep laboratory or sleep center, or  
28 in the patient's residence in accordance with a physician's  
29 order; provided, however, that the scoring of data and the  
30 education of patients may take place in settings other than in  
31 a hospital, sleep laboratory, sleep center, or the patient's  
32 residence.

33 Sec. 8. NEW SECTION. 148F.4 Scope of chapter.

34 Nothing in this chapter shall be construed to limit or  
35 restrict a health care practitioner licensed in this state from

1 engaging in the full scope of practice of the individual's  
2 profession.

3     Sec. 9. NEW SECTION. 148F.5 Polysomnography professional  
4 standards committee.

5     1. A polysomnography professional standards committee is  
6 established to advise the board in the performance of its  
7 duties under this chapter. The committee consists of the  
8 following members, appointed by the governor:

9     a. Two licensed polysomnographic technologists.

10    b. One physician who is certified in sleep medicine by a  
11 national certifying body recognized by the American academy of  
12 sleep medicine.

13    c. One respiratory therapist who is also a licensed  
14 polysomnographic technologist.

15    d. One electroneurodiagnostic technologist who is also a  
16 licensed polysomnographic technologist.

17    e. One consumer member who is not commercially or  
18 professionally associated with the health care field.

19     2. Members shall receive expense payments and per diem as  
20 provided in section 147.24.

21     3. Members shall serve four-year terms, and shall serve  
22 until their successors have been appointed.

23     4. The committee shall select a chairperson from its  
24 membership.

25     5. A majority of the committee shall constitute a quorum.

26     6. The board shall provide administrative, investigatory,  
27 and clerical services to the committee as necessary to  
28 implement and enforce this chapter.

29     7. Any vacant term shall be filled by the governor for the  
30 balance of the four-year term.

31     Sec. 10. NEW SECTION. 148F.6 Duties of the committee.

32     The polysomnography professional standards committee shall  
33 do all of the following:

34     1. Advise the board regarding standards for licensed  
35 polysomnographic technologists.

1 2. Provide for distribution of information regarding  
2 licensed polysomnographic technologist standards.

3 3. Advise the board on enforcement issues.

4 4. Review applications for licensure and license renewal  
5 and recommend the granting or denial thereof.

6 5. Advise the board on issues related to receiving and  
7 investigating complaints, conducting hearings, and imposing  
8 disciplinary action in relation to complaints against licensed  
9 polysomnographic technologists.

10 6. Review polysomnographic technology education and  
11 training for and make specific recommendations to the board  
12 regarding the qualifications to practice.

13 7. Advise the board regarding approval of continuing  
14 education programs.

15 Sec. 11. NEW SECTION. 148F.7 Powers of the board.

16 The board, with the advice of the polysomnography  
17 professional standards committee, may do any of the following:

18 1. Promulgate rules necessary for the implementation and  
19 administration of this chapter and the applicable provisions  
20 of chapter 147.

21 2. Establish fees as provided in section 147.80.

22 3. Review and approve or reject the application of each  
23 person who applies for licensure as a polysomnographic  
24 technologist.

25 4. Issue all temporary permits and all approved licenses and  
26 renewals of licenses.

27 5. Deny, suspend, revoke, restrict, or impose conditions  
28 on a license, as the board deems necessary or appropriate at  
29 the time a license is issued, renewed, or reinstated, or as a  
30 sanction imposed at the conclusion of a disciplinary hearing.

31 6. Issue private advisory letter rulings to any person  
32 licensed under this chapter who makes a request for a ruling  
33 regarding any matter within the committee's jurisdiction;  
34 provided, however, that the ruling shall affect only the  
35 licensee making the inquiry and shall have no precedential

1 value for any other contested case or inquiry before the board  
2 or the committee.

3 7. Develop a code of ethics for the practice of  
4 polysomnography.

5 8. Develop standards of care for the practice of  
6 polysomnography.

7 9. Develop standards for the educational and clinical  
8 training of polysomnographic technologists, including the  
9 evaluation of the accreditation status of educational programs  
10 in polysomnography.

11 10. Develop criteria for the evaluation of applications for  
12 licensure submitted by polysomnographic technologists who are  
13 licensed in other states.

14 11. Develop continuing education requirements for licensed  
15 polysomnographic technologists.

16 Sec. 12. NEW SECTION. 148F.8 **Licensing requirement.**

17 1. *a.* Commencing January 1, 2013, a person who is engaged  
18 in the practice of polysomnography shall be licensed as  
19 provided in this chapter and it shall be unlawful for any  
20 person to engage in the practice of polysomnography without  
21 such license.

22 *b.* (1) Prior to January 1, 2013, a person who is engaged in  
23 the practice of polysomnography without being licensed under  
24 this chapter shall not be deemed to be in violation of this  
25 chapter.

26 (2) A person who is engaged in the practice of  
27 polysomnography on January 1, 2013, shall be eligible for  
28 licensure under this chapter without meeting the educational  
29 requirements of this section provided that the person meets the  
30 requirements of subsection 2, paragraphs "b", "c", and "d".

31 2. A person seeking licensure as a polysomnographic  
32 technologist shall be of good moral character, shall be at  
33 least eighteen years of age, shall pay the fees established  
34 by the board for licensure, and shall present proof that the  
35 person meets all of the following requirements:

1     *a.* Meet one of the following educational requirements:

2     (1) Graduation from a polysomnographic educational program  
3 that is accredited by the committee on accreditation of  
4 polysomnographic technologist education or by a committee  
5 on accreditation for the commission on accreditation of  
6 allied health education programs, or an equivalent program as  
7 determined by the board.

8     (2) Graduation from a respiratory care educational  
9 program that is accredited by the committee on accreditation  
10 for respiratory care or by a committee on accreditation  
11 for the commission on accreditation of allied health  
12 education programs, and completion of the curriculum for a  
13 polysomnographic certificate established and accredited by the  
14 commission on accreditation of allied health education programs  
15 as an extension of the respiratory care program.

16     (3) Graduation from an electroneurodiagnostic technologist  
17 educational program that is accredited by the committee  
18 on accreditation for education in electroneurodiagnostic  
19 technology or by a committee on accreditation for the  
20 commission on accreditation of allied health education  
21 programs, and completion of the curriculum for a  
22 polysomnography certificate established and accredited by the  
23 commission on accreditation of allied health education programs  
24 as an extension of the electroneurodiagnostic education  
25 program.

26     (4) Successful completion of an accredited sleep  
27 technologist educational program that is accredited by the  
28 American academy of sleep medicine.

29     *b.* Pass the national certifying examination given by  
30 the board of registered polysomnographic technologists or a  
31 nationally recognized accredited certifying agency.

32     *c.* Be credentialed by the board of registered  
33 polysomnographic technologists or a nationally recognized  
34 accredited certifying agency.

35     *d.* Meet any additional educational or clinical requirements

1 established by the board, as recommended by the committee.

2 3. To be eligible for renewal of a license to engage in the  
3 practice of polysomnography, a polysomnographic technologist  
4 shall maintain that person's credential in compliance with  
5 rules set forth by a national accredited certifying agency, as  
6 adopted by the board in rule.

7 Sec. 13. NEW SECTION. 148F.9 **Persons exempt from licensing**  
8 **requirement — temporary permit.**

9 1. The following persons may provide sleep-related services  
10 without being licensed as a polysomnographic technologist under  
11 this chapter:

12 a. A polysomnographic technician may provide sleep-related  
13 services under the general supervision of a physician for  
14 a period of up to six months from the date of the person's  
15 graduation from one of the accredited programs described in  
16 section 148F.8. The board may in its sole discretion grant a  
17 one-time extension of up to three months beyond this one-year  
18 period.

19 b. A polysomnographic trainee may provide sleep-related  
20 services under the direct supervision of a polysomnographic  
21 technologist as a part of the person's educational program  
22 while actively enrolled in an accredited sleep technologist  
23 educational program.

24 c. A polysomnographic student may provide sleep-related  
25 services under the direct supervision of a polysomnographic  
26 technologist as a part of the person's educational program  
27 while actively enrolled in a polysomnographic educational  
28 program that is accredited by the commission on accreditation  
29 of allied health education programs or an equivalent program as  
30 determined by the board.

31 d. A person, other than a respiratory care practitioner  
32 licensed under this chapter, credentialed in one of the  
33 health-related fields accepted by the board of registered  
34 polysomnographic technologists or another nationally recognized  
35 certifying agency, may provide sleep-related services under

1 the direct supervision of a polysomnographic technologist  
2 for a period of up to one year while obtaining the clinical  
3 experience necessary to be eligible to take the examination.

4 2. Before providing any sleep-related services, a  
5 polysomnographic technician shall obtain a temporary permit  
6 from the board. While providing sleep-related services, the  
7 technician shall wear a badge that appropriately identifies the  
8 person as a polysomnographic technician.

9 3. Before providing any sleep-related services, a  
10 polysomnographic trainee shall give notice to the board that  
11 the trainee is enrolled in an approved educational program.  
12 Trainees shall wear a badge that appropriately identifies the  
13 trainee as a polysomnographic trainee while providing such  
14 services.

15 4. Before providing any sleep-related services, a person  
16 who is obtaining clinical experience shall give notice to the  
17 board that the person is working under the direct supervision  
18 of a polysomnographic technologist in order to gain the  
19 experience to be eligible to sit for a national certification  
20 examination. The person shall wear a badge that appropriately  
21 identifies the person while providing such services.

22 5. Polysomnographic students shall not receive compensation  
23 for the sleep-related services they provide and shall wear  
24 badges that appropriately identify them as students.

25 **Sec. 14. NEW SECTION. 148F.10 Issuance, retirement, and**  
26 **renewal of licenses.**

27 1. The board shall issue and renew licenses under this  
28 chapter as provided by the board in rule.

29 2. A person who has been issued a license to practice under  
30 this chapter who wishes to retire that license shall file with  
31 the committee an affidavit on a form to be furnished by the  
32 committee stating the date on which the person retired from  
33 practice and other facts that verify the retirement as the  
34 board deems necessary. Any such person who thereafter wishes  
35 to reenter practice shall request reinstatement of licensure.

1 3. A license issued by the board under this chapter  
2 shall contain the name and address of the person to whom it  
3 is issued, the date and number of the license, and other  
4 information that the board deems necessary.

5 a. The address contained on the license shall be the address  
6 where all correspondence and renewal forms from the board shall  
7 be sent.

8 b. Any person whose address changes shall, within thirty  
9 days after the change in address, notify the board of the  
10 address change. The most recent address contained in the  
11 board's records for each license holder shall be the address  
12 deemed sufficient for purposes of service of process.

13 4. A license shall either be prominently displayed in the  
14 office or place in which the person practices or be stored in a  
15 place from which it can be immediately produced upon request of  
16 a patient or representative of the board.

17 5. A person whose license has been lost may make application  
18 to the committee for a replacement. The application shall be  
19 accompanied by an affidavit setting out the facts concerning  
20 the loss of the original license.

21 Sec. 15. NEW SECTION. 148F.11 **Licensing sanctions.**

22 The board may impose sanctions for violations of this  
23 chapter as provided in chapters 147 and 272C.

24 Sec. 16. **INITIAL APPOINTMENTS.**

25 1. Initial appointments to the polysomnography professional  
26 standards committee shall be made as follows: two members  
27 shall be appointed to terms of four years, two members shall  
28 be appointed to terms of three years, and two members shall be  
29 appointed to a term of two years. Each regular appointment  
30 thereafter shall be for a term of four years.

31 2. The governor may consider for appointment to the  
32 committee the names of persons recommended by the professional  
33 organizations for each profession represented on the committee.  
34 The Iowa sleep society may submit a list of three names for  
35 each position to be filled by a polysomnographic technologist.

1 The Iowa respiratory care society may submit a list of three  
2 names for the position to be filled by a respiratory therapist.  
3 The Iowa state medical association may submit a list of three  
4 names for the position to be filled by a physician.

5

EXPLANATION

6 This bill requires the licensing of polysomnographic  
7 technologists and makes the provisions of Code chapters 147  
8 and 272C, including penalty and other regulatory provisions,  
9 applicable to other health professions applicable to the  
10 practice of polysomnography. Code section 147.86 provides  
11 that it is a serious misdemeanor to violate a provision of  
12 the licensing laws. The licensing program is administered  
13 and regulated by the board of medicine, with the advice of a  
14 polysomnography professional standards committee.

15 A licensed polysomnographic technologist practices under  
16 the general supervision of a licensed physician, providing  
17 specifically enumerated services related to sleep disorders.  
18 A polysomnographic student or trainee enrolled in an approved  
19 educational program provides services under the direct  
20 supervision of a polysomnographic technologist.

21 The bill sets out educational standards and testing  
22 requirements, and provides for disciplinary actions.